

EN BANC

[G.R. No. 152093, January 24, 2012]

**NATIONAL POWER CORPORATION, PETITIONER, VS. CIVIL
SERVICE COMMISSION AND RODRIGO A. TANFELIX,
RESPONDENT.**

D E C I S I O N

ABAD, J.:

It is difficult to accept that an odious act like rigging a public bidding can get the public officer responsible for it wholly absolved of liability just because he was not a member of the bids committee that chose the winning bid.

The Facts and the Case

On April 7, 1997 the President of petitioner National Power Corporation (NPC) filed an administrative action against respondent Rodrigo A. Tanfelix, a Supervising Mechanical Engineer, for rigging the bidding for the construction of the wind break fence of its thermal power plant's coal storage in Calaca, Batangas.

After hearing, the NPC's Board of Inquiry and Discipline (BID) found Tanfelix guilty of grave misconduct for rigging the bidding to favor ALC Industries, Inc. (ALC), one of the five pre-qualified contractors. Two witnesses, the board chairman of one of the losing bidders, Ley Construction and Development Corp. (LCDC), and the head of the latter's engineering department, testified that Tanfelix invited the pre-qualified bidders to a restaurant meeting and offered P1 million each to four of them in exchange for letting ALC win the bidding. He also built into the successful bid a P2 million fee for arranging the rig and for padding NPC's price estimate so the winning bid could make it big. Days later, the heads of ALC and LCDC met and signed in Tanfelix's presence a memorandum of agreement that embodied the bid-rigging deal between the two companies. ALC won the bidding. With this finding, the NPC discipline board ordered Tanfelix dismissed from the service.

On November 9, 1999, acting on Tanfelix's appeal, the Civil Service Commission (CSC) rendered a decision, affirming the NPC-BID ruling. But, on motion for reconsideration, the CSC reversed itself and exonerated Tanfelix in a resolution dated December 21, 2000. The CSC ruled in the main that the misconduct which warrants removal must have direct relation to and be connected with the performance of official duties. As it happened, Tanfelix was neither a member of the NPC bids committee nor was there any proof that he influenced the members of that committee.

The NPC appealed to the Court of Appeals (CA) but on October 18, 2001 the latter affirmed the ultimate ruling of the CSC. The NPC questions the CA decision before